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BEFORE THE
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 847-A

RAAFAT LOFTI SHEHATA
7868 North Maple Avenue
Clovis, California 93611

A C C U S A T I O N

Civil Engineer License No. C 47842

Respondent.

Complainant alleges:

PARTIES

1. David Brown (hereinafter "Complainant") brings this Accusation solely in his official capacity as the Executive Officer of the Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs.

2. On or about August 2, 1991, the Board for Professional Engineers and Land Surveyors issued Civil Engineer License Number C 47842 to Raafat Lofti Shehata (hereinafter "Respondent"). The Civil Engineer License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board for Professional Engineers and Land Surveyors (hereinafter "Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Code section 6775 states, in pertinent part, that:

[T]he board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter:

(a) Who has been convicted of a crime substantially related to the qualifications, functions and duties of a registered professional engineer, in which case the certified record of conviction shall be conclusive evidence thereof.

(b) Who has been found guilty by the board of any deceit, misrepresentation, or fraud in his or her practice.

(c) Who has been found guilty by the board of negligence or incompetence in his or her practice.

(d) Who has been found guilty by the board of any breach or violation of a contract to provide professional engineering services.

(e) Who has been found guilty of any fraud or deceit in obtaining his or her certificate.

(f) Who aids or abets any person in the violation of any provision of this chapter.

(g) Who in the course of the practice of professional engineering has been found guilty by the board of having violated a rule or regulation of unprofessional conduct adopted by the board.

(h) Who violates any provision of this chapter.

5. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

HAMPTON INN AND SUITES PROJECT

6. On or about March 19, 2003, plan and structural calculations (hereinafter "Plans") of a four story building were submitted for review and approval for the purpose of obtaining building permits from the City of Fresno, California (hereinafter "City"). The proposed building was to be utilized as a hotel in the City, specifically a Hampton Inn and Suites (hereinafter "Hotel"). The Plans were prepared by Respondent. The Plans were found by the City to contain

1 numerous errors and omissions and did not meet the minimum requirements of the 1997 Uniform
2 Building Code, the current code in effect at the time. The Plans were submitted three times
3 before appropriate revisions and corrections were accomplished. Subsequently a building permit
4 was issued by the City based upon the revised and corrected Plans (hereinafter "Revised Plans").

5 FIRST CAUSE FOR DISCIPLINE

6 (Negligence)

7 7. Respondent is subject to disciplinary action under Code section 6775, subd. (c) in that
8 Respondent incorrectly increased the allowable soil bearing values for miscellaneous footings in
9 the Revised Plans. In several instances in the Revised Plans, Respondent increased the basic
10 allowable bearing stress value to above 3000 pounds per square foot (hereinafter "psf") even
11 though the geotechnical report specifically limited the basic value to 3000 psf and did not allow
12 for any increase above 3000 psf. Respondent was negligent when he increased the values above
13 the values indicated in the geotechnical report without a written allowance to do so by the
14 geotechnical engineer who prepared that report.

15 SECOND CAUSE FOR DISCIPLINE

16 (Incompetence)

17 8. Respondent is also subject to disciplinary action under Code section 6775, subd. (c)
18 in that Respondent incorrectly determined the required footing sizes for miscellaneous footings in
19 the Revised Plans. Respondent used the wrong equation in determining several footings.
20 Respondent failed to use a special design equation when the resultant of load is outside the
21 middle third of the footing. Respondent failed to use the special design equation in the instances
22 in which it should have been used. Respondent was incompetent in his use of the wrong equation
23 to determine several of the footing sizes to be used in the Revised Plans.

24 9. Respondent is also subject to disciplinary action under Code section 6775, subd. (c)
25 in that Respondent incorrectly used the wrong coefficient of R in the Revised Plans. Respondent
26 used an R value of 5.5, when a value of 4.5 should have been used. A value of 4.5 should have
27 been used because the Hotel was to be a four story building. When directed to the correct R value
28 for the shear walls, Respondent reviewed and corrected the R value to the correct R value for his

1 calculations for the shear walls, but not anywhere else. Respondent should have used the correct
2 R value in his calculations for the entire lateral force resisting system, including chords, drag
3 struts, hold-down forces, horizontal diaphragms and other associated connections, not only the
4 shear walls. Respondent was incompetent in his use of the wrong coefficient of R in the Revised
5 Plans.

6 PRAYER

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a
9 decision:

10 1. Revoking or suspending Civil Engineer License Number C 47842, issued to Raafat
11 Lofti Shehata.

12 2. Ordering Raafat Lofti Shehata to pay the Board for Professional Engineers and Land
13 Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to
14 Business and Professions Code section 125.3;

15 3. Taking such other and further action as deemed necessary and proper.

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18 DATED: 3/17/0

Original Signed

19 DAVID BROWN
20 Executive Officer
21 Board for Professional Engineers and Land Surveyors
22 Department of Consumer Affairs
23 State of California
24 Complainant

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